

MINUTES OF THE HOUSE ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE

The meeting was called to order by Chairman Lana Gordon at 3:30 P.M. on February 12, 2008 in Room 519-S of the Capitol.

All members were present.

Committee staff present:

Ryan Hoffman, Kansas Legislative Research Department
Jason Long, Office of the Revisor of Statutes
Matt Todd, Office of the Revisor of Statutes
Ann Deitcher, Committee Assistant

Conferees appearing before the committee:

Representative Ann Mah
Representative Lee Tafanelli
Chris Tymeson, Chief Counsel, Wild Life & Parks
Kirk Keberlein
David Farington
John Butler
Shawn Mercer
Bryan Best

HB 2657 - concerning motorboats; relating to exhaust noise requirements.

The Chair introduced Matt Todd who explained **HB 2657**.

Representative Tafanelli addressed the Committee in support of **HB 2657**. (Attachment 1). He reminded the Committee that this issue regarding motorboat exhaust noise was passed in **SB 417** during the 2006 legislative session.

Representative Tafanelli said that should the Committee decide to work this bill, he would recommend that language be inserted into it, or an agreement with the Department of Wildlife and Parks be reached, that they would not force boaters to leave the lake immediately until compliance with the noise level. He believed that the boater should be given a reasonable amount of time to address the issue, such as 30-45 days.

Appearing next as a proponent of **HB 2657**, Chris Tymeson said that the bill would amend K.S.A. 2007 Supp. 32-1120 to clarify the law related to decibel levels for motorboat exhaust noise. (Attachment 2).

He explained that this clarification would allow any vessel to operate, without a muffler, cutout, muffler bypass or other devise so long as the decibel levels don't reach the scientific test threshold.

Mr. Tymeson suggested that a correction be made to line 39 of the bill, striking the "or" and replacing it with "and". This would allow a vessel that meets the threshold for one of those tests to keep operating in compliance with the law.

Questions and answers followed.

The Chair said that they would not close the meeting on **HB 2657** but would plan to work it with **HB 2679**.

CONTINUATION SHEET

MINUTES OF THE House Economic Development and Tourism Committee at 3:30 P.M. on February 12, 2008 in Room 519-S of the Capitol.

HB 2679 - concerning motorboats; relating to exhaust noise requirements.

Representative Mah addressed the Committee in favor of **HB 2679** saying that what she is hearing from her constituents is how vague and unenforceable K.S.A. 32-1120 is. (Attachment 3).

She said they expressed their belief of the unfairness of the law in that it targets specific types of boats and ignores other noisier vehicles.

After studying existing laws in a number of states, the boat owners built **HB 2679** on what they considered to be the best of those laws.

Next to appear as a proponent of **HB 2679**, Kirk Keberlein who said how the bill was created from other states existing statutes and adapted to conform with Kansas lakes and it's surrounding environment. The noise limits were taken from Florida's noise law that was adopted in 2007. He asked that the Committee consider all aspects of their study and support **HB 2679**. (Attachment 4).

David Farrington told the Committee that after renting a boat slip at Lake Perry Yacht and Marina, he has now declined to renew his slip because with the current boat sound law he was afraid of getting a ticket.. (Attachment 5).

Mr. Farrington said that he would estimate conservatively that they spent about \$6000 last year at Lake Perry but that would not happen this year and he felt this to be a direct negative economic impact of the current sound level law.

John Butler addressed the Committee in support of **HB 2679**. (Attachment 6). He spoke of the laws that are causing boaters to go to Missouri for vacations.

Next to testify in favor of **HB 2679** was Shawn Mercer who spoke of the expense involved in retrofitting boats so that they're in compliance with the laws. (Attachment 7).

Bryan Best, the General Manager of Lake Perry Yacht & Marina spoke of his concern with boating in Kansas saying that he felt effort should be focused on growing boating in a state that ranks 35th in registered boats nationally. (Attachment 8).

Testimony in favor of **HB 2679** was offered by Dennis Hewitt who is a part owner and managing partner of a marina and resort. (Attachment 9). He said that they also sell boats and that in 2007 they had to turn back boats because they were not properly equipped for Kansas waters.

Speaking in opposition of **HB 2679**, Chris Tymeson who told the Committee that the muffler law that was in effect in the 90's was done away with but after numerous complaints, the 2005-2006 Legislature enacted another one that became active on January 1, 2007. (Attachment 10).

Mr. Tymeson also said that he would rather see the legislation repealed than the passage of **HB 2679** because he felt it would be unenforceable.

CONTINUATION SHEET

MINUTES OF THE House Economic Development and Tourism Committee at 3:30 P.M. on February 12, 2008 in Room 519-S of the Capitol.

Questions and answers followed.

Written only testimony in opposition was submitted from: Scott Leigh, ([Attachment 11](#)); Sabrina Nichols, ([Attachment 12](#)); William Lowe, ([Attachment 13](#)); Bill Holstun, ([Attachment 14](#)); Harold and Judy Spinner, ([Attachment 15](#)) and Stan Davis, ([Attachment 16](#)).

The hearing was closed on **HB 2657 and HB 2679**

The meeting was adjourned at 5:30 p.m. The next meeting is scheduled for Wednesday, February 13.